
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4535.1/02

ATTY/TYPIST: ML:seg

BRIEF DESCRIPTION:

2 **ESHB 2757** - S COMM AMD

3 By Committee on Natural Resources, Parks & Shorelines

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) The department of fish and wildlife issues thousands of
9 hydraulic project approval permits each year for hydraulic projects or
10 work that will use, divert, obstruct, or change the natural flow or bed
11 of any of the salt or fresh waters of the state.

12 (2) The hydraulic project approval permit program can provide
13 important habitat protection for salmon, steelhead, and trout stocks
14 listed under the federal endangered species act.

15 (3) Determining the cost of processing, issuing, and implementing
16 decisions on hydraulic project approval permit applications and whether
17 a funding system that fairly allocates benefits to the applicant and to
18 the public is desirable or possible.

19 (4) Since hydraulic project approval permit authority was first
20 granted to the department of fish and wildlife there has been no
21 external review and analysis of the program to determine its
22 effectiveness.

23 (5) The state fish and wildlife commission should take a lead role
24 in conducting such a review and analysis of the hydraulic project
25 approval permit program.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.55 RCW
27 to read as follows:

28 (1) There is hereby created the hydraulic project approval permit
29 program technical advisory group as a subcommittee of the state fish
30 and wildlife commission.

31 (2) The hydraulic project approval permit program technical
32 advisory group shall consist of eighteen members including: One member
33 of the commission who must serve as chair of the group; one member
34 designated by the secretary of transportation; one member designated by
35 the director of fish and wildlife; one member designated by the

1 director of ecology; one member designated by the commissioner of
2 public lands; one member representing local government designated by
3 the association of Washington cities and the Washington state
4 association of counties; one member designated by the Washington state
5 public ports association; one member designated by the regional
6 fisheries enhancement group advisory board; one member designated by
7 the Washington state farm bureau; one member representing rangeland and
8 livestock interests, designated by the Washington cattlemen's
9 association; one member representing marine construction, designated by
10 the building industry association of Washington and the associated
11 general contractors of Washington; one member designated by the
12 American council of engineering companies; one member designated by the
13 northwest Indian fisheries commission; one member designated by
14 aquaculture interests; two members representing environmental
15 organizations; one member designated by commercial fishing interests;
16 and one member designated by recreational fishing interests.

17 (3) Representatives from federal regulatory agencies, including the
18 United States army corps of engineers, the environmental protection
19 agency, the national marine fisheries service, and the United States
20 fish and wildlife service must be invited to participate in technical
21 advisory group work.

22 (4) The committee may create technical subcommittees as needed.

23 (5) The commission may employ temporary staff or contract for
24 services to provide administrative and technical assistance to the
25 hydraulic project approval permit program technical advisory group.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.55 RCW
27 to read as follows:

28 (1) The hydraulic project approval permit program technical
29 advisory group must conduct a study of the state hydraulic project
30 approval permit program to determine:

31 (a) If there are clear statutory and administrative goals for the
32 program;

33 (b) Whether the activities, projects, and physical areas covered by
34 the program are clearly delineated in statute;

35 (c) Whether there is redundancy, duplication, or conflict between
36 federal, state, or local regulatory programs of similar nature;

37 (d) Whether the hydraulic project approval permit program is being
38 administered in an economical, cost-effective manner and whether there

1 are system efficiencies that can be used to improve program performance
2 in protecting fish life and processing permits;

3 (e) Consistency of hydraulic project approval permit program
4 implementation from region to region of the state;

5 (f) The effectiveness of hydraulic project approval permit
6 conditions and mitigation requirements in terms of protecting fish
7 life;

8 (g) The adequacy of hydraulic project approval permit monitoring to
9 ensure that the protection of fish life is being achieved;

10 (h) If currently available training and education programs are
11 adequate and appropriate for educating department personnel responsible
12 for adopting, implementing, and enforcing the hydraulic code and
13 industry and other groups responsible for complying with hydraulic
14 program requirements;

15 (i) Whether the hydraulic appeals board process and membership
16 under RCW 77.55.170 can be modified to improve the hydraulic appeals
17 process; and

18 (j) Based on findings from (c) through (e) of this subsection,
19 whether existing funding sources:

20 (i) Are adequate for program workload; and

21 (ii) Fairly distribute program costs and benefits between the
22 general taxpayer and program applicants.

23 (2) Once the hydraulic project approval permit program technical
24 advisory group has concluded review of the existing program and the
25 areas listed in subsection (1) of this section, the group must develop
26 and provide a report to the commission, the governor, and the
27 legislature that provides recommendations for administrative and
28 statutory changes to improve the program, and appropriate funding
29 sources for the program. However, projects whose sole purpose is to
30 restore and enhance habitat are exempt from the payment of fees. The
31 report must also identify outcome-based performance measures to improve
32 the timeliness of permit issuance, service delivery, and client
33 satisfaction.

34 (3) For those recommendations that do not receive the unanimous
35 support of the hydraulic project approval permit program technical
36 advisory group, a list of options for addressing the identified issue
37 must be provided as part of the report.

38 (4) Any recommendations of the hydraulic project approval permit
39 program technical advisory group concerning fees must be consistent

1 with the direction provided in RCW 76.09.030(2) to work for the
2 integration of the forest practices and hydraulic permitting processes.
3 It is the legislature's intent that no hydraulic permit fees be charged
4 once these two permitting processes are integrated.

5 (5) The final report of the hydraulic project approval permit
6 program technical advisory group must be provided to the commission,
7 the governor, and the appropriate committees of the legislature by
8 November 15, 2002."

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12 On page 1, line 1 of the title, after "approval;" strike the
13 remainder of the title and insert "adding new sections to chapter 77.55
14 RCW; and creating a new section."

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